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FEDERAL REGISTER

VOLUME I NUMBER 168

Washington, Thursday, November 5, 1936

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

ORDER ESTABLISHING GRAZING DISTRICT NO. 2 IN THE STATE OF WYOMING

OCTOBER 31, 1936.

Under and pursuant to the provisions of the Act of June 28, 1934, 48 Stat., 1269, as amended by the Act of June 26, 1936, Public, No. 827, 74th Congress, and subject to the limitations and conditions therein contained, Wyoming Grazing District No. 2 is hereby established, the exterior boundaries of which shall include the following-described lands:

WYOMING

Sixth Principal Meridian

T. 30 N., R. 85 W., secs. 4 to 9, 16 to 21, 28, 31, those parts of secs. 29, 30, and 32 exclusive of Pathfinder Wildlife Refuge.
Ts. 31 and 32 N., R. 85 W.
Ts. 29 to 32 N., Rs. 86, 87, 88, and 89 W.
T. 33 N., R. 89 W., secs. 4 to 9, 16 to 21, 28 to 33 inclusive.
T. 34 N., R. 89 W., secs. 4 to 9, 16 to 21, 28 to 33 inclusive.
T. 35 N., R. 89 W., secs. 4 to 9, 16 to 21, 28 to 33 inclusive.
T. 36 N., R. 89 W., secs. 4 to 9, 16 to 21, 28 to 33 inclusive.
T. 37 N., R. 89 W., secs. 4 to 9, 16 to 21, 28 to 33 inclusive.
T. 38 N., R. 89 W., secs. 4 to 9, 16 to 21, 28 to 33 inclusive.
T. 39 N., R. 89 W., secs. 4 to 9, 16 to 21, 28 to 33 inclusive.
T. 40 N., R. 89 W., secs. 4 to 9, 16 to 21, 28 to 33 inclusive.
T. 41 N., R. 89 W., secs. 28 to 33.
Ts. 27 N., to 40 N., Rs. 90 to 94 W.
Ts. 28 N., to 34 N., Rs. 95 to 97 W.
Ts. 28 to 32 N., R. 98 W.
T. 33 N., R. 98 W., that part east of Popo Agie River.
T. 34 N., R. 98 W., that part east of Popo Agie River.
T. 28 N., R. 99 W., secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive.
T. 29 N., R. 99 W., secs. 1 to 27 and 34 to 36, inclusive.
T. 30 N., R. 99 W., secs. 1 to 5, 8 to 17, 20 to 29, and 32 to 36, inclusive.
T. 31 N., R. 99 W., that part east of Popo Agie River.
T. 32 N., R. 99 W., that part east of Popo Agie River.
T. 33 N., R. 99 W., that part east of Popo Agie River.
T. 29 N., R. 100 W., secs. 1 to 3, 10 to 15, and 22 to 24, inclusive.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, shall be effective as to the lands embraced within this district from and after the date of the publication of this order in the Federal Register.

W. C. MENDENHALL,
Acting Secretary of the Interior.

[F. R. Doc. 3233—Filed, November 4, 1936; 10:02 a. m.]

ORDER ESTABLISHING GRAZING DISTRICT NO. 3 IN THE STATE OF WYOMING

OCTOBER 31, 1936.

Under and pursuant to the provisions of the Act of June 28, 1934, 48 Stat., 1269, as amended by the Act of June 26, 1936, Public, No. 827, 74th Congress, and subject to the limitations and conditions therein contained, Wyoming Grazing

District No. 3 is hereby established, the exterior boundaries of which shall include the following-described lands:

WYOMING

Sixth Principal Meridian

T. 17 N., R. 77 W., W $\frac{1}{2}$ sec. 5, secs. 6, 7, W $\frac{1}{2}$ secs. 8 and 17, secs. 18, 19, W $\frac{1}{2}$ secs. 20 and 29, secs. 30, 31, W $\frac{1}{2}$ sec. 32.
T. 18 N., R. 77 W., W $\frac{1}{2}$ sec. 5, secs. 6, 7, W $\frac{1}{2}$ secs. 8 and 17, secs. 18, 19, W $\frac{1}{2}$ secs. 20 and 29, secs. 30, 31, W $\frac{1}{2}$ sec. 32.
T. 19 N., R. 77 W., W $\frac{1}{2}$ sec. 5, secs. 6, 7, W $\frac{1}{2}$ secs. 8 and 17, secs. 18, 19, W $\frac{1}{2}$ secs. 20 and 29, secs. 30, 31, W $\frac{1}{2}$ sec. 32.
T. 20 N., R. 77 W., W $\frac{1}{2}$ sec. 5, secs. 6, 7, W $\frac{1}{2}$ secs. 8 and 17, secs. 18, 19, W $\frac{1}{2}$ secs. 20 and 29, secs. 30, 31, W $\frac{1}{2}$ sec. 32.
T. 21 N., R. 77 W., secs. 2 to 36 inclusive.
T. 22 N., R. 77 W., W $\frac{1}{2}$ sec. 4, secs. 5 to 8, W $\frac{1}{2}$ secs. 9 and 16, secs. 17 to 20, W $\frac{1}{2}$ sec. 21, W $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 28, secs. 29 to 33, S $\frac{1}{2}$ sec. 34.
T. 23 N., R. 77 W., W $\frac{1}{2}$ sec. 4, secs. 5 to 8, W $\frac{1}{2}$ secs. 9 and 16, secs. 17 to 20, W $\frac{1}{2}$ secs. 21 and 28, secs. 29 to 32 and W $\frac{1}{2}$ sec. 33.
T. 24 N., R. 77 W., W $\frac{1}{2}$ sec. 4, secs. 5 to 8, W $\frac{1}{2}$ secs. 9 and 16, secs. 17 to 20, W $\frac{1}{2}$ secs. 21 and 28, secs. 29 to 32, and W $\frac{1}{2}$ sec. 33.
T. 25 N., R. 77 W., secs. 4 to 9, 16 to 21, 28 to 33, inclusive.
T. 26 N., R. 77 W., secs. 4 to 9, 16 to 21, 28 to 33, inclusive.
T. 27 N., R. 77 W., secs. 4 to 9, 16 to 21, 28 to 33, inclusive.
T. 28 N., R. 77 W., secs. 4 to 9, 16 to 21, 28 to 33, inclusive.
T. 17 N., R. 78 W., secs. 1, 12, 13, 24, 25, and 36.
T. 18 N., R. 78 W., secs. 1 to 17, 21 to 27, 35, and 36.
Ts. 19 to 28 N., R. 78 W.
T. 19 N., R. 79 W., secs. 1 to 31 and sec. 36.
Ts. 20 to 28 N., R. 79 W.
T. 18 N., R. 80 W., secs. 1 to 12, 15 to 18.
Ts. 19 to 28 N., R. 80 W.
T. 18 N., R. 81 W., secs. 1 to 23, W $\frac{1}{2}$ sec. 24, N $\frac{1}{2}$ secs. 27, 28, 29, and 30.
Ts. 19 to 28 N., R. 81 W.
T. 18 N., R. 82 W., secs. 1 to 9, E $\frac{1}{2}$ sec. 12, secs. 13, 16 to 21, and N $\frac{1}{2}$ secs. 29 and 30.
Ts. 19 to 28 N., R. 82 W.
T. 18 N., R. 83 W., secs. 1 to 14, N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 15, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ secs. 16, 17, and 18, E $\frac{1}{2}$ sec. 22, secs. 23 and 24, N $\frac{1}{2}$ secs. 25, 26, NE $\frac{1}{4}$ sec. 27.
Ts. 19 to 28 N., R. 83 W.
T. 16 N., R. 84 W., W $\frac{1}{2}$ sec. 3, secs. 4 to 8, W $\frac{1}{2}$ sec. 9, secs. 17, 18, W $\frac{1}{2}$ secs. 19 and 30.
T. 17 N., R. 84 W., W $\frac{1}{2}$ sec. 2, secs. 3 to 10, W $\frac{1}{2}$ sec. 11, secs. 14 to 23, W $\frac{1}{2}$ sec. 26, secs. 27 to 34.
T. 18 N., R. 84 W., secs. 1 to 24, N $\frac{1}{2}$ sec. 25, N $\frac{1}{2}$, SW $\frac{1}{4}$ sec. 26, secs. 27 to 34, W $\frac{1}{2}$ sec. 35.
Ts. 19 to 25 N., R. 84 W.
Ts. 26, 27, and 28 N., R. 84 W., those parts exclusive of Pathfinder Wildlife Refuge.
T. 15 N., R. 85 W., secs. 2 to 5, E $\frac{1}{2}$ sec. 6, secs. 8, 9, 10, 16, and 17.
Ts. 16 to 26 N., R. 85 W.
Ts. 27 and 28 N., R. 85 W., those parts exclusive of Pathfinder Wildlife Refuge.
T. 16 N., R. 86 W., secs. 1 to 26, N $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 27, N $\frac{1}{2}$ secs. 28, 29, 30, 36.
Ts. 17 to 28 N., R. 86 W.
T. 12 N., R. 87 W., S $\frac{1}{2}$ secs. 7, 8, 9, 10, W $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 14, secs. 15 to 23.
T. 14 N., R. 87 W., secs. 5 and 6.
T. 15 N., R. 87 W., S $\frac{1}{2}$ sec. 6, secs. 7, 8, 17 to 20, 29 to 32.
T. 16 N., R. 87 W., secs. 1 to 20, N $\frac{1}{2}$, SW $\frac{1}{4}$ sec. 21, N $\frac{1}{2}$ sec. 22, N $\frac{1}{2}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 24, W $\frac{1}{2}$ sec. 29, sec. 30, N $\frac{1}{2}$ sec. 31.
Ts. 17 to 28 N., R. 87 W.
T. 12 N., R. 88 W., secs. 5 to 8, S $\frac{1}{2}$ sec. 12, secs. 13 to 24.
T. 13 N., R. 88 W., secs. 6, 7, 18, 19, 20, 29 to 32.
T. 14 N., R. 88 W., secs. 1, 2, N $\frac{1}{2}$, SW $\frac{1}{4}$ sec. 4, secs. 5, 6, 7, N $\frac{1}{2}$ sec. 8, secs. 18, 19, 30, and 31.



FEDERAL REGISTER

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 T. 14 N., R. 99 W., secs. 1 to 17, E $\frac{1}{2}$ sec. 18, secs. 20 to 28, NE $\frac{1}{4}$ sec. 29, secs. 34, 35, and 36.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, shall be effective as to the lands embraced within this district from and after the date of the publication of this order in the Federal Register.

W. C. MENDENHALL,
Acting Secretary of the Interior.

[F. R. Doc. 3234—Filed, November 4, 1936; 10:02 a. m.]

ORDER ESTABLISHING GRAZING DISTRICT NO. 4 IN THE STATE OF WYOMING

OCTOBER 31, 1936.

Under and pursuant to the provisions of the Act of June 28, 1934, 48 Stat. 1269, as amended by the Act of June 26, 1936, Public No. 827, 74th Congress, and subject to the limitations and conditions therein contained, Wyoming Grazing District No. 4 is hereby established, the exterior boundaries of which shall include the following-described lands:

WYOMING

Sixth Principal Meridian

T. 16 N., R. 95 W., secs. 4 to 9, 16 to 20, inclusive.
 T. 16 N., R. 96 W., secs. 1 to 32, inclusive.
 T. 17 N., R. 96 W.
 T. 15 N., R. 97 W., secs. 2 to 10, 16 to 18, inclusive.
 T. 16 N., R. 97 W.
 T. 17 N., R. 97 W., S $\frac{1}{2}$ secs. 25 to 30, secs. 31 to 36.
 T. 15 N., R. 98 W., secs. 1 to 23, 28 to 31, inclusive.
 T. 16 N., R. 98 W.
 T. 17 N., R. 98 W., S $\frac{1}{2}$ sec. 6, sec. 7, S $\frac{1}{2}$, NW $\frac{1}{4}$ sec. 8, SW $\frac{1}{4}$ sec. 10, secs. 17 to 20, W $\frac{1}{2}$ sec. 21, S $\frac{1}{2}$ secs. 25, 26, and 27, secs. 28 to 36.
 T. 21 N., R. 98 W., secs. 5 to 8, 17 to 20, 29 to 32, inclusive.
 T. 22 N., R. 98 W., secs. 5 to 8, 17 to 20, 29 to 32, inclusive.
 Ts. 23 and 24 N., R. 98 W.
 T. 12 N., R. 99 W., secs. 5 to 8, 17 to 20, inclusive.
 T. 13 N., R. 99 W., W $\frac{1}{2}$ sec. 3, secs. 4 to 9, W $\frac{1}{2}$ sec. 10, secs. 15 to 22, S $\frac{1}{2}$ sec. 26, secs. 27 to 35, S $\frac{1}{2}$ sec. 36.
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 T. 30 N., R. 105 W., secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36 inclusive.
 Ts. 12 to 28 N., R. 105 W.
 T. 29 N., R. 105 W., secs. 1 to 3 and 10 to 36 inclusive.
 Ts. 12 to 28 N., R. 107 W.
 Ts. 12 to 26 N., R. 108 W.

T. 27 N., R. 108 W., secs. 1 to 4, 8 to 36 inclusive.
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 T. 25 N., R. 111 W., secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36, inclusive.
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 T. 25 $\frac{1}{2}$ N., R. 118 W., secs. 31 to 35, inclusive.
 T. 26 N., R. 118 W., secs. 3 to 10, 15 to 22, 27 to 34, inclusive.
 T. 27 N., R. 118 W., secs. 3 to 10, 15 to 22, 27 to 34, inclusive.
 T. 28 N., R. 118 W., secs. 3 to 10, 15 to 22, 27 to 34, inclusive.
 Ts. 17 to 28 N., Rs. 119 and 120 W.
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IDAHO

Boise Meridian

T. 11 S., R. 46 E., SE $\frac{1}{4}$ sec. 34, S $\frac{1}{2}$ sec. 35.
 T. 12 S., R. 46 E., secs. 2 to 4, E $\frac{1}{2}$ secs. 5 and 8, secs. 9 to 11, 14 to 16, E $\frac{1}{2}$ secs. 17 and 20, secs. 21 to 23, 26 to 28, E $\frac{1}{2}$ secs. 29 and 32, secs. 33 to 35.
 T. 13 S., R. 46 E., secs. 2 to 4, E $\frac{1}{2}$ secs. 5 and 8, secs. 9 to 11, 14 to 16, E $\frac{1}{2}$ secs. 17 and 20, secs. 21 to 23, 26 to 28, E $\frac{1}{2}$ secs. 29 and 32, secs. 33 to 35.
 T. 14 S., R. 46 E., secs. 2 to 4, E $\frac{1}{2}$ secs. 5 and 8, secs. 9 to 11, 14 to 16, E $\frac{1}{2}$ secs. 17 and 20, secs. 21 to 23, 26 to 28, E $\frac{1}{2}$ secs. 29 and 32, secs. 33 to 35.
 T. 15 S., R. 46 E., secs. 2 to 4, E $\frac{1}{2}$ secs. 5 and 8, secs. 9 to 11, 14 to 16, E $\frac{1}{2}$ secs. 17 and 20, secs. 21 to 23, 26 to 28, E $\frac{1}{2}$ secs. 29 and 32, secs. 33 to 35.
 T. 16 S., R. 46 E., secs. 2 to 4, E $\frac{1}{2}$ secs. 5 and 8, secs. 9 to 11, 14 to 16, E $\frac{1}{2}$ secs. 17 and 20, secs. 21 to 23, 26 to 28, and E $\frac{1}{2}$ sec. 29.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, shall be effective as to the lands embraced within this district from and after the date of the publication of this order in the Federal Register.

W. C. MENDENHALL,
Acting Secretary of the Interior.

[F. R. Doc. 3235—Filed, November 4, 1936; 10:02 a. m.]

ORDER ESTABLISHING GRAZING DISTRICT NO. 5 IN THE STATE OF WYOMING

OCTOBER 31, 1936.

Under and pursuant to the provisions of the Act of June 28, 1934, 48 Stat., 1269, as amended by the Act of June 26, 1936, Public No. 827, 74th Congress, and subject to the limitations and conditions therein contained, Wyoming Grazing District No. 5 is hereby established, the exterior boundaries of which shall include the following-described lands:

WYOMING

Sixth Principal Meridian

T. 30 N., R. 105 W., secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.
 T. 31 N., R. 105 W., secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.
 T. 29 N., R. 106 W., secs. 4 to 9.
 Ts. 30 and 31 N., R. 106 W.
 T. 32 N., R. 106 W., secs. 4 to 9, 16 to 21, and 27 to 36, inclusive.
 T. 33 N., R. 106 W., secs. 17 to 20, inclusive, S $\frac{1}{2}$ sec. 21, secs. 28 to 33, inclusive.
 Ts. 29 to 32 N., R. 107 W.
 T. 33 N., R. 107 W., secs. 13 to 36, inclusive.
 T. 27 N., R. 108 W., secs. 5, 6, and 7.

T. 28 N., R. 108 W., secs. 5 to 8, 17 to 20, 29 to 32, inclusive.
 Ts. 29 to 33 N., R. 108 W.
 T. 34 N., R. 108 W., E $\frac{1}{2}$ sec. 7, sec. 8, secs. 17 to 20, inclusive, W $\frac{1}{2}$ sec. 21, S $\frac{1}{2}$, NW $\frac{1}{4}$ sec. 25, secs. 26 to 36, inclusive.
 Ts. 27 to 33 N., R. 109 W.
 T. 34 N., R. 109 W., W $\frac{1}{2}$ sec. 2, secs. 3 to 10, and 15 to 22, inclusive, E $\frac{1}{2}$ sec. 24, secs. 25 to 36, inclusive.
 T. 35 N., R. 109 W., secs. 5 to 8 inclusive, N $\frac{1}{2}$, SW $\frac{1}{4}$ sec. 18, NW $\frac{1}{4}$, S $\frac{1}{2}$ sec. 19, W $\frac{1}{2}$ sec. 26, secs. 27 to 34, inclusive, W $\frac{1}{2}$ sec. 35.
 T. 36 N., R. 109 W., SW $\frac{1}{4}$ sec. 29, S $\frac{1}{2}$ sec. 30, sec. 31, W $\frac{1}{2}$ sec. 32.
 Ts. 27 to 35 N., R. 110 W.
 T. 36 N., R. 110 W., secs. 4 to 9 and 16 to 21, inclusive, S $\frac{1}{2}$ secs. 25, 26, and 27, secs. 28 to 36, inclusive.
 T. 37 N., R. 110 W., secs. 1, 2, 3, E $\frac{1}{2}$ sec. 9, secs. 10 to 36, inclusive.
 T. 38 N., R. 110 W., E $\frac{1}{2}$ sec. 35, sec. 36.
 T. 25 N., R. 111 W., secs. 5 to 8, 17 to 20, 29 to 32, inclusive.
 T. 26 N., R. 111 W., secs. 5 to 8, 17 to 20, 29 to 32, inclusive.
 Ts. 27 to 36 N., R. 111 W.
 T. 37 N., R. 111 W., secs. 13, 24 to 27, inclusive, E $\frac{1}{2}$ sec. 32, secs. 33 to 36, inclusive.
 Ts. 25 to 36 N., R. 112 W.
 Ts. 25 to 33 N., R. 113 W.
 T. 34 N., R. 113 W., secs. 1 to 4, N $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 5, NE $\frac{1}{4}$ sec. 6, secs. 9 to 36, inclusive.
 T. 35 N., R. 113 W., secs. 1 to 30, inclusive, E $\frac{1}{2}$ sec. 31, secs. 32 to 36, inclusive.
 T. 36 N., R. 113 W., secs. 1, 2, 3, 10 to 15, 22 to 27, and 34 to 36, inclusive.
 Ts. 25 to 32 N., R. 114 W.
 T. 33 N., R. 114 W., secs. 1, 2, and 10 to 15, inclusive, E $\frac{1}{2}$ sec. 20, secs. 21 to 28, inclusive, E $\frac{1}{2}$ secs. 29 and 32, secs. 33 to 36.
 T. 34 N., R. 114 W., secs. 24, 25, 26, 35, 36.
 Ts. 25 to 27 N., R. 115 W.
 T. 25 N., R. 116 W., secs. 1 and 2.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, shall be effective as to the lands embraced within this district from and after the date of the publication of this order in the Federal Register.

W. C. MENDENHALL,
Acting Secretary of the Interior.

[F. R. Doc. 3236—Filed, November 4, 1936; 10:02 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF SECRETARY OF AGRICULTURE WITH RESPECT TO PROPOSED ORDER REGULATING HANDLING OF MILK IN KANSAS CITY, MISSOURI, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to Sections 8b and 8c of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, having reason to believe that the issuance of a marketing agreement and order with respect to the handling of milk in the Kansas City, Missouri, Marketing Area would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1919–July 1929, gave, on the 18th day of April 1936, notice of a hearing which was held on the 16th day of May 1936, at Kansas City, Missouri, on a proposed marketing agreement and a proposed order regulating the handling of milk in the Kansas City, Missouri, Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas after such hearing and after the tentative approval by the Secretary of a marketing agreement on the 17th day of August 1936, handlers of more than 50 per centum of the volume of milk, covered by such proposed order, which is produced or marketed within the Kansas City, Missouri, Marketing Area, refused or failed to sign such marketing agreement relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1919-July 1929; and

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the proposed order is approved or favored by over ninety-six per centum (96%) of the producers who, during the month of August 1936, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 24th day of October 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT
The President of the United States.

Dated, October 31, 1936.

[F. R. Doc. 3242—Filed, November 4, 1936; 12:10 p. m.]

ORDER REGULATING THE HANDLING OF MILK IN THE KANSAS CITY, MISSOURI, MARKETING AREA

Whereas, by section 8b of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the Act, the Secretary of Agriculture, hereinafter called the Secretary, is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, by section 8c (1) of the Act the Secretary is empowered to issue orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the issuance of a marketing agreement and order with respect to the handling of milk in the Kansas City, Missouri, Marketing Area would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1919-July 1929, gave, on the 18th day of April 1936, notice of a hearing,¹ which was held on the 16th day of May 1936 at Kansas City on a proposed marketing agreement and a proposed

order regulating the handling of milk in the Kansas City, Missouri, Marketing Area, and on the 22nd day of July 1936 gave notice of the reopening of such hearing² at Kansas City, Missouri, on the 27th day of July 1936, at which times and places all interested parties were afforded an opportunity to be heard on the proposed agreement and the proposed order; and

Whereas, the Secretary has found and proclaimed the period August 1919-July 1929 to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Kansas City, Missouri, Marketing Area; and

Whereas, after said hearing and after the tentative approval by the Secretary of a marketing agreement on the 17th day of August 1936, handlers of more than 50 percent of the volume of milk covered by this order, which is marketed within the Kansas City, Missouri, Marketing Area, refused or failed to sign such marketing agreement; and

Whereas, the Secretary determined on the 24th day of October, 1936, said determination being approved by the President of the United States on the 31st day of October 1936, that said refusal or failure tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1919-July 1929, and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

Whereas the issuance of this order is approved or favored by over 96 percent of the producers who during the month of August 1936, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the Kansas City, Missouri, marketing area; and

Whereas the Secretary finds, upon the evidence introduced at the said hearing:

1. That more than 28 percent of the total volume of milk, the handling of which is covered by this order, is produced in the State of Kansas and that the handling of all such milk is in the current of interstate commerce and that the handling of the remainder of the milk covered by this order directly burdens, obstructs, or affects interstate commerce in milk and its products;

2. That at the time of said hearing and for a protracted period prior thereto, a disparity existed between the prices of milk and the prices of commodities bought by farmers so that the purchasing power of milk for such commodities was below the purchasing power of milk for such commodities during the base period, and that the payment of the minimum prices in the manner set forth in this order will tend to correct said disparity;

3. That the classification of milk into three classes follows a custom already established in the market and is a valid economic procedure;

4. That the determination of uniform prices to producers and the payment of such prices through a market-wide equalization pool founded upon a base rating plan is a fair and reasonable method of distributing to producers the proceeds of sales to handlers; and that the method of calculating the bases of all producers is a fair and reasonable method;

5. That the Kansas City, Missouri, Marketing Area, as defined in this order, is the natural marketing area within which handlers distribute the aforesaid milk;

6. That the Market Administrator is a proper agency to administer this order and that the powers granted to and duties specified for such Market Administrator in this order are necessary for the administration of this order;

7. That a pro rata assessment on handlers at the rate of not to exceed 2 cents per hundredweight of milk received

¹ 1 F. R. 256.

² 1 F. R. 1004.

from producers will provide funds necessary for the proper administration of this order;

8. That the reports required of handlers by this order are reasonably necessary for the proper administration of this order;

9. That this order regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the marketing agreement mentioned above, upon which a hearing has been held;

10. That the issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1919-July 1929;

Now, therefore, the Secretary, pursuant to the authority vested in him by the Act, hereby orders that such handling of milk in the Kansas City, Missouri, Marketing Area, as in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce, shall, from the effective date hereof, be in conformity to, and in compliance with, the following terms and conditions:

ARTICLE I—DEFINITIONS

SECTION 1. *Terms.*—The following terms shall have the following definitions:

1. "Kansas City, Missouri, Marketing Area", hereinafter called the Marketing Area, is the territory within the corporate limits of Kansas City, Missouri.

2. "Person" is any individual, partnership, corporation, association, and any other business unit.

3. "Producer" is any person, irrespective of whether any such person is also a handler, who produces milk in conformity with the health requirements applicable for milk to be sold for consumption as milk in the Marketing Area.

4. "Handler" is any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk, which is sold as milk or cream in the Marketing Area, as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in milk and its products.

5. "Market Administrator" is the person designated pursuant to article II as the agency for the administration hereof.

6. "Delivery period" is the current marketing period from the 1st to, and including, the last day of each month.

7. "Base" is the quantity of milk calculated for each producer pursuant to section 4 of article VII.

ARTICLE II—MARKET ADMINISTRATOR

SECTION 1. *Selection, Removal, and Bond.*—The Market Administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The Market Administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

SECTION 2. *Compensation.*—The Market Administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

SEC. 3. *Powers.*—The Market Administrator shall have power:

1. To administer the terms and provisions hereof; and
2. To receive, investigate, and report to the Secretary, complaints of violations of the terms and provisions hereof.

SEC. 4. *Duties.*—The Market Administrator, in addition to the duties hereinafter described, shall:

1. Keep such books and records as will clearly reflect the transactions provided for herein;
2. Submit his books and records to examination by the Secretary at any and all times;

3. Furnish such information and such verified reports as the Secretary may request;

4. Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the Market Administrator;

5. Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

6. Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 15 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to article V or (b) made payments pursuant to article VIII; and

7. Pay, out of the funds provided by article X, (a) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the Market Administrator, (b) his own compensation, and (c) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

SEC. 5. *Responsibility.*—The Market Administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler or any other person for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

ARTICLE III—CLASSIFICATION OF MILK

SECTION 1. *Sales and Use Classification.*—Milk purchased or handled by handlers shall be classified as follows:

1. All milk sold or distributed as milk shall be Class I milk;

2. All milk used to produce cream (for consumption as cream), flavored milk, creamed cottage cheese, and creamed buttermilk shall be Class II milk; provided, that the milk from which only the skimmed milk is used in the production of the above products shall not be included as Class II milk; and

3. All milk purchased, sold, or used in excess of Class I and Class II milk shall be Class III milk.

SEC. 2. *Inter-handler Sales.*—Milk sold by a handler to another handler shall be presumed to be Class I milk. In the event that such selling handler, on or before the date fixed for filing reports pursuant to article V, notifies the Market Administrator that such milk has been sold or disposed of by the purchasing handler other than as milk, then, and in that event, such milk shall be classified in accordance with such notification; provided, that if such selling handler does not, on or before the 9th day after the end of the delivery period during which such sale was made furnish proof satisfactory to the Market Administrator in support of such notification, such milk shall then be classified as Class I milk and so included in the statement rendered to the selling handler pursuant to paragraph 3 of section 1 of article VIII.

SEC. 3. *Sales to Non-handlers.*—Milk sold by a handler to a person who is not a handler and who distributes milk or manufactures milk products shall be presumed to be Class I milk. In the event that such selling handler, on or before the date fixed for filing reports pursuant to section 1 of article V, notifies the Market Administrator that such milk has been sold or disposed of by such purchaser other than as milk, such milk shall be classified according to such notification; provided, that if such selling handler does not, on or before the 9th day after the end of the delivery period during which such sale was made, furnish proof satisfactory to the Market Administrator in support of the above notification, such milk or part thereof shall then be classified as Class I milk and so included in the statement rendered to the selling handler pursuant to paragraph 3 of section 1 of article VIII.

ARTICLE IV—MINIMUM PRICES

SECTION 1. *Class I Price.*—Each handler shall pay producers, at the time and in the manner set forth in article VIII, for Class I milk not less than \$2.40 per hundredweight at the plant of such handler.

SEC. 2. *Class II Price.*—Each handler shall pay producers, at the time and in the manner set forth, in article VIII, for

Class II milk not less than \$2.05 per hundredweight at the plant of such handler.

SEC. 3. *Class III Price.*—Each handler shall pay producers, at the time and in the manner set forth in article VIII, for Class III milk at the plant of such handler, not less than the price per hundredweight which shall be calculated by the Market Administrator as follows: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk is purchased, and add 25 cents.

SEC. 4. *Sales Outside the Marketing Area.*—The price to be paid to producers by a handler for Class I milk sold outside the Marketing Area, in lieu of the price otherwise applicable pursuant to this article, shall be such price as the Market Administrator ascertains is being paid by processors, in the market where such milk is sold, for milk of equivalent use, subject to a reasonable adjustment on account of transportation from the plant where such milk is received from producers to the plant where such milk is loaded on wholesale and retail routes.

ARTICLE V—REPORTS OF HANDLERS

SECTION 1. *Periodic Reports.*—On or before the 5th day after the end of each delivery period each handler shall, with respect to milk or cream which was, during such delivery period, (a) received from producers, (b) received from handlers, and (c) produced by such handler, report to the Market Administrator, in the detail and form prescribed by him, as follows:

1. The receipts at each plant from producers who are not handlers and the quantity of such receipts which represents the total of all milk delivered by producers in excess of their respective bases;

2. The receipts at each plant from any other handler, including any handler who is also a producer;

3. The quantity, if any, produced by such handler; and

4. The respective quantities of milk which were sold, distributed, or used, including sales to other handlers, for the purpose of classification pursuant to article III.

SEC. 2. *Reports as to Producers.*—Each handler shall report to the Market Administrator:

1. Within 10 days after the Market Administrator's request, with respect to any producer for whom such information is not in the files of the Market Administrator, and with respect to a period or periods of time designated by the Market Administrator, (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days upon which deliveries were made; and

2. As soon as possible after first receiving milk from any producer, (a) the name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which such producer delivered milk.

SEC. 3. *Reports of Payments to Producers.*—Each handler shall submit to the Market Administrator on or before the 15th day after the end of each delivery period his producer pay roll for such delivery period which shall show for each producer (a) the net amount of such producer's payment with the prices, deductions, and charges involved, (b) the total delivery of milk with the average butterfat test thereof, and (c) the portion of such delivery which was in excess of the base of such producer.

SEC. 4. *Verification of Reports.*—In order that the Market Administrator may submit verified reports to the Secretary pursuant to paragraph 3 of section 4 of article II, each handler shall permit the Market Administrator or his agent, during the usual hours of business, to (a) verify the information contained in reports submitted in accordance with this article, and (b) weigh milk delivered by each producer and sample and test milk for butterfat.

ARTICLE VI—HANDLERS WHO ARE ALSO PRODUCERS

SECTION 1. *Reports.*—Any handler, who is also a producer, shall make the report required by section 1 of article V, only

for any delivery period during which such handler purchases milk from producers.

SECTION 2. *Milk Purchased From Producers.*—In the case of a handler who is also a producer and who has purchased milk from producers, the Market Administrator shall, before making the computations set forth in article VII, (a) exclude the milk purchased by him in each class from other handlers, (b) exclude from his remaining Class I and Class II milk up to but not exceeding 95 percent of the quantity of milk produced and sold by him, and (c) exclude from his remaining Class III milk the balance of the milk produced and sold by him.

SEC. 3. *Milk Sold to Other Handlers.*—Milk sold in bulk by a handler who is also a producer to another handler and sold or used as Class I or Class II milk by the purchasing handler, shall in making the computation required by section 1 of article VII for such purchasing handler, be multiplied by the difference between the Class III price and the Class I and Class II price, as the case may be, and the resultant amount shall be added to the total value of milk otherwise computed.

ARTICLE VII—DETERMINATION OF UNIFORM PRICES TO PRODUCERS

SECTION 1. *Computation of Value of Milk for Each Handler.*—For each delivery period the Market Administrator shall compute, subject to the provisions of article VI, the value of milk sold or used by each handler, which was not purchased from other handlers, by (a) multiplying the quantity of such milk in each class by the price applicable pursuant to article IV and (b) adding together the resulting value of each class.

SEC. 2. *Computation and Announcement of Uniform Prices.*—The Market Administrator shall compute and announce the uniform prices per hundredweight of milk delivered during each delivery period as follows:

1. Combine into one total the respective values of milk, computed pursuant to section 1 of this article, for each handler who made the reports prescribed by article V and who made the payments prescribed by article VIII for milk received during the previous delivery period;

2. Subtract the total sum due producers pursuant to paragraph 2 of section 1 of article VIII;

3. Divide by the total quantity of milk which is not in excess of the bases of producers and which is included in these computations;

4. Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining a cash balance in connection with the payments set forth in paragraph 3 of section 1 of article VIII;

5. Add an amount per hundredweight of milk which will prorate any cash balance available pursuant to section 3 of this article; and

6. On or before the 7th day after the end of each delivery period, notify all handlers, and make public announcement of these computations, of the blended price per hundredweight which is the result, and of the Class III price.

SEC. 3. *Proration of Cash Balance.*—For each delivery period the Market Administrator shall prorate, by an appropriate addition pursuant to section 2 of this article, the cash balance, if any, in his hands from payments made by handlers, during the next preceding delivery period, to meet obligations arising out of paragraph 4 of section 1 of article VIII.

SEC. 4. *Base Rating.*—The base of each producer shall be a quantity of milk for each delivery period calculated in the following manner: (a) multiply the applicable figure, if any, effective pursuant to section 5 of this article by the number of days on which such producer delivered milk during such delivery period or (b) if no figure is effective for any producer, who is not also a handler, take the percent of the total milk delivered by him in bulk during such delivery period which is obtained by dividing total Class I and Class II milk by the total milk delivered; provided that if total Class I and Class II milk exceeds the total of bases so computed, add thereto, in the case of each producer for whom a

figure is effective pursuant to section 5 of this article and who delivered milk in excess of base, the percentage of his excess milk which is the percentage of the total of such excess milk used by all handlers as Class I and Class II milk.

SEC. 5. Determination for Base Rating.—For the purpose of calculating, pursuant to section 4 of this article, the bases of producers, including producers who are also handlers, the Market Administrator shall determine a figure with respect to deliveries of milk in bulk to handlers by each producer as follows:

1. Effective up to and including June 30, 1936, divide the total milk deliveries in bulk to handlers during the period of time beginning with November 16, 1935, and ending with February 15, 1936, by the number of days on which deliveries were made and take such a percentage of the result as will make the total of all figures so determined approximately equal to 115 percent of the average Class I and Class II milk per day sold, during the 4th calendar quarter of the calendar year 1935, by all handlers to whom such milk was delivered;

2. Effective for each calendar quarter subsequent to June 30, 1936, divide the total milk delivered by each producer not in excess of his base during the next preceding calendar quarter by the number of days on which such producer delivered milk and take such a percentage of the result as will make the total of all figures so determined approximately equal to 115 percent of the average Class I and Class II milk per day sold, during the 4th calendar quarter of the next preceding calendar year by all handlers to whom such milk was delivered;

3. At the request of any producer who is also a handler and for whom no figure is effective pursuant to paragraphs 1 and 2 of this section, divide the total milk delivered by such producer in bulk to handlers, during the 3 full delivery periods, immediately preceding the date of such request, by the number of days in such 3 delivery periods. Any figure determined pursuant to this paragraph shall be effective through the full calendar quarter immediately following its determination and thereafter shall be superseded by a figure effective pursuant to paragraph 2 of this section; and

4. In the case of a producer who is also a handler and who sells all or a part of his delivery routes to another handler, the Market Administrator shall determine a figure which is the average daily Class I and Class II milk produced and sold by such producer during the previous 3 months which such producer and such handler jointly report as involved in the deal and which the Market Administrator verifies. Any figure determined pursuant to this paragraph shall be effective from its determination until the end of the full calendar quarter next following, and thereafter shall be superseded by a figure effective pursuant to paragraph 2 of this section.

ARTICLE VIII—PAYMENTS FOR MILK

SECTION 1. Time and Method of Payment.—On or before the 10th day after the end of each delivery period, each handler shall make payment, after allowing for the amount of the payment made pursuant to section 2 of this article, for the total value of milk received from producers during such delivery period, computed according to section 1 of article VII, subject to butterfat and country station differentials, set forth in sections 4 and 5, respectively, of this article, as follows:

1. To producers, at the blended price per hundredweight computed pursuant to section 2 of article VII, for that quantity of milk delivered by each producer not in excess of the base of such producer;

2. To producers, at the Class III price, for that quantity of milk delivered by each producer in excess of his base; and

3. To producers, through the Market Administrator, by paying to or receiving from the Market Administrator, as the case may be, the amount by which the sums due producers pursuant to paragraphs 1 and 2 of this section are less than, or exceed, the value of milk computed for such handler pursuant to section 1 of article VIII as shown in a statement

rendered by the Market Administrator on or before the 10th day after the end of such delivery period.

SEC. 3. Half-delivery Period Payments.—On or before the 25th day of each delivery period each handler shall make payments to each producer for the approximate value of milk received from such producer during the first 15 days of such delivery period.

SEC. 3. Errors in Payments.—Errors in making the payments prescribed in this article shall be corrected not later than the date for making payments next following the determination of such errors.

SEC. 4. Butterfat Differential.—If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.8 percent, such handler shall pay to each producer, for each one-tenth of one percent of average butterfat content above 3.8 percent, or shall deduct, for each one-tenth of one percent of average butterfat content below 3.8 percent, 4 cents per hundredweight.

SEC. 5. Country Station Differentials.—If any producer has delivered milk to any handler's plant located more than 30 miles from the City Hall in Kansas City, such handler may deduct, with respect to that quantity of milk delivered which is represented by such producer's base, up to but not exceeding the amount per hundredweight specified for the distance of such plant from the City Hall in Kansas City as follows: not more than 45 miles, 17 cents per hundredweight; and for each additional 10 miles or part thereof an additional 1½ cents per hundredweight.

ARTICLE IX—MARKETING SERVICES

SECTION 1. Deductions for Marketing Services.—Except as set forth in section 2, each handler shall deduct 3 cents per hundredweight from the payments made to each producer pursuant to paragraphs 1 and 2 of section 1 of article VIII with respect to all milk delivered to such handler during each delivery period by such producer and shall pay such deductions to the Market Administrator on or before the 10th day after the end of such delivery period. Such monies shall be expended by the Market Administrator for market information to, and for verification of weights, sampling, and testing of milk purchased from said producer.

SEC. 2. Producers' Cooperative Associations.—In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", is actually performing, as determined by the Secretary, the services set forth in section 1 of this article, each handler shall make the deductions from the payments to be made pursuant to paragraphs 1 and 2 of section 1 of article VIII which are authorized by such producers and, on or before the 10th day after the end of each delivery period, pay over such deductions to the associations of which such producers are members.

ARTICLE X—EXPENSES OF ADMINISTRATION

SECTION 1. Payments by Handlers.—As his pro rata share of the expense of the administration hereof, each handler shall, on or before the 10th day after the end of each delivery period, pay to the Market Administrator a sum not exceeding 2 cents per hundredweight with respect to all milk delivered to him during such delivery period by producers or an association of producers, the exact amount to be determined by the Market Administrator subject to review by the Secretary; provided, that each handler which is a cooperative association of producers, shall pay such pro rata share of expense of administration only on that milk actually received from producers at any plant of such association.

SEC. 2. Suits by Market Administrator.—The Market Administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this article.

ARTICLE XI—EFFECTIVE TIME, SUSPENSION, AND TERMINATION

SECTION 1. *Effective Time.*—The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to section 2 of this article.

SEC. 2. *Suspension and Termination.*—Any or all provisions hereof or any amendment hereto shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. Unless otherwise provided by the Secretary in the notice of amendment, suspension, or termination of any or all provisions hereof, the amendment, suspension, or termination shall not: (a) affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any provisions hereof; (b) release or waive any violation hereof occurring prior to the effective date of such amendment, suspension, or termination; or (c) affect, or impair, any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

SEC. 4. *Continuing Power and Duty.*—If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the Market Administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the Market Administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The Market Administrator, or such other person as the Secretary may designate, (a) shall continue in such capacity until discharged by the Secretary, (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the Market Administrator, or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the Market Administrator or such person pursuant hereto.

SECTION 5. *Liquidation after Suspension or Termination.*—Upon the suspension or termination of any or all provisions hereof, the Market Administrator, or such person as the Secretary may designate, shall liquidate the business of the Market Administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the Market Administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

ARTICLE XII—LIABILITY

SECTION 1. *Handlers.*—The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Agricultural Adjustment Act, as amended, for the purposes and within the limitations therein contained, and not otherwise, does hereby execute this Order under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 3rd day of November 1936, and pursuant to the provisions hereof declares this Order to be effective on and after 12:01 A. M., central standard time, December 1, 1936.

[SEAL]

H. A. WALLACE, Secretary.

[F. R. Doc. 3243—Filed, November 4, 1936; 12:10 p. m.]

Bureau of Entomology and Plant Quarantine.

BEPQ—Q. 71

Revision of Regulations 3
Effective November 9, 1936MODIFICATION OF DUTCH ELM DISEASE QUARANTINE
REGULATIONS

INTRODUCTORY NOTE

The following modification of the Dutch elm disease quarantine regulations adds to the regulated area 2 towns in Fairfield County, Connecticut, as well as 3 towns in Orange County and 1 town in Suffolk County, New York. It also adds to the regulated area of New Jersey numerous townships and boroughs not heretofore included. This action was taken on the basis of intensive inspections made throughout the year which disclosed infections in areas contiguous to the present regulated area.

LEE A. STRONG,

Chief, Bureau of Entomology and Plant Quarantine.

AMENDMENT NO. 2 TO RULES AND REGULATIONS SUPPLEMENTAL
TO NOTICE OF QUARANTINE NO. 71

[Approved Nov. 3, 1936; effective November 9, 1936]

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 3 of the rules and regulations supplemental to Notice of Quarantine No. 71, on account of the Dutch elm disease, which were promulgated on February 20, 1935, as amended April 1, 1936¹, be and the same is hereby further amended to read as follows:

REGULATIONS 3—REGULATED AREAS

In accordance with the provisos to Notice of Quarantine No. 71, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut.—Towns of Darien, Fairfield, Greenwich, New Canaan, Norwalk, Ridgefield, Stamford, Westport, and Wilson, in Fairfield County.

New Jersey.—Counties of Bergen, Essex, Hudson, Morris, Passaic, Somerset, and Union; all of *Hunterdon County* except the townships of Alexandria, Delaware, Holland, Kingwood, and West Amwell, and the boroughs of Frenchtown, Lambertville, Milford, and Stockton; townships of Hopewell, Princeton, and West Windsor, and the boroughs of Hopewell, Pennington, and Princeton in *Mercer County*; all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; townships of Holmdel, Matawan, Middletown, Raritan, Shrewsbury, and the boroughs of Atlantic Highlands, Eatontown, Fair Haven, Highlands, Keansburg, Keyport, Little Silver, Long Branch, Matawan, Monmouth Beach, Oceanport, Red Bank, Rumson, Sea Bright, Shrewsbury, Union Beach, and West Long Branch, in *Monmouth County*; all of *Sussex County* except the townships of Montague, Sandyston, Stillwater, and Walpack; townships of Allamuchy, Franklin, Prelinghuysen, Independence, Hope, Liberty, Mansfield, Oxford, Washington, and White, and the boroughs of Belvidere, Hackettstown, and Washington, in *Warren County*.

New York.—Counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, and Westchester; towns of Blooming Grove, Chester, Goshen, Highland, Minisink, Monroe, Tuxedo, Warwick, Wawayanda, and Woodbury, in *Orange County*; towns of Carmel, Phillipstown, Putnam Valley, and South East, in *Putnam County*; town of Huntington, in *Suffolk County*.

This amendment shall be effective on and after November 9, 1936, and shall on that date supersede amendment No. 1 which became effective on April 1, 1936.

Done at the city of Washington this 3d day of November 1936.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 3244—Filed, November 4, 1936; 12:10 p. m.]

¹ 1 F. R. 92.

FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation.

[Manual Amendment]

SUBSTITUTION OF SECURITY

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129), as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647), and particularly by Sections 4-a and 4-k of said Act as amended, Section 2-3 (h) of the Loan Service Chapter of the Consolidated Manual, adopted by the Board on September 15, 1936, is hereby amended to read as follows:

(h) Such officers may also authorize the making of an additional advance for expenses in connection with the removal and relocation of the improvements in such cases and for expenses of appraisal, title search, recording fees, and other necessary charges in connection with the substitution of the new or additional security, provided that the borrower is unable to pay such expenses and it affirmatively appears that such advance is necessary to prevent a material loss to the Corporation in the particular loan.

Upon the taking of any new or additional property as security, such instruments shall be taken to evidence and secure the total unpaid indebtedness as will adequately protect the Corporation, and such as will preserve a valid first lien on the old property retained, if any, and create a valid first lien on the new security. If a first lien is not obtainable, such cases shall be submitted to the General Manager who, with the advice of the General Counsel, shall direct the action to be taken in regard to the same. A release, in whole or in part, of the original security, where appropriate, may be made by any official authorized by the Regulations to execute releases of the mortgage lien of the Corporation; and releases may be made for such consideration as may be determined by the Regional Manager subject to the provisions hereof.

[SEAL]

R. L. NAGLE, *Secretary.*

[F. R. Doc. 3241—Filed, November 4, 1936; 12:08 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of October A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr.; Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2626]

IN THE MATTER OF E. S. BERGHOLT, TRADING AS MARILYN LOUISE COSMETICS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A. Section 41),

It is ordered, that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Monday, November 30, 1936, at ten o'clock in the forenoon of that day (eastern standard time), room number 316, Chamber of Commerce Building, Cincinnati, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission:

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 3248—Filed, November 4, 1936; 12:24 p. m.]

No. 168—2

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of October A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr.; Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2132]

IN THE MATTER OF IRVING ROY JACOBSON AND PROGRESSIVE EDUCATION SOCIETY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, that Robert S. Hall, an examiner of this Commission, be and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Friday, November 13, 1936, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 3246—Filed, November 4, 1936; 12:23 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of October A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr.; Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2893]

IN THE MATTER OF MIDWEST PUBLISHING COMPANY, A CORPORATION, AND WALTER H. GORHAM, INDIVIDUALLY, AND AS PRESIDENT OF MIDWEST PUBLISHING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Tuesday, November 10, 1936, at ten o'clock in the forenoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 3251—Filed, November 4, 1936; 12:25 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of October A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr.; Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 1371]

IN THE MATTER OF PERPETUAL ENCYCLOPEDIA CORPORATION, NORTH AMERICAN PUBLISHING COMPANY, INC., SOURCE RESEARCH COUNCIL, INC., FRANK J. MACKEY, INDIVIDUALLY AND AS PRESIDENT OF PERPETUAL ENCYCLOPEDIA CORPORATION, H. F. MCGEE, INDIVIDUALLY AND AS VICE PRESIDENT OF PERPETUAL ENCYCLOPEDIA CORPORATION, HAROLD C. SHERMAN, INDIVIDUALLY AND AS SECRETARY OF PERPETUAL ENCYCLOPEDIA CORPORATION, ROBERT T. MACKEY, INDIVIDUALLY AND AS TREASURER OF PERPETUAL ENCYCLOPEDIA CORPORATION, EDMUND P. RUCKER, INDIVIDUALLY AND AS VICE PRESIDENT OF PERPETUAL ENCYCLOPEDIA CORPORATION, WARREN T. DAVIS, INDIVIDUALLY AND AS PRESIDENT OF SOURCE RESEARCH COUNCIL, INC., JOHN J. HENNESSEY, INDIVIDUALLY AND AS VICE PRESIDENT OF SOURCE RESEARCH COUNCIL, INC., LEONARD C. MAIER, INDIVIDUALLY AND AS SECRETARY OF SOURCE RESEARCH COUNCIL, INC., TURNER T. CULP, INDIVIDUALLY AND AS TREASURER OF SOURCE RESEARCH COUNCIL, INC., RUSSELL O. PRIEBE, AND EMMA L. PRIEBE, INDIVIDUALLY AND AS OFFICERS OF NORTH AMERICAN PUBLISHING COMPANY, INC., WILLIAM H. GORHAM, TRADING UNDER THE NAME AND STYLE OF NORTH AMERICAN PUBLISHING COMPANY, AND GEORGE A. SEILER, INDIVIDUALLY AND AS PACIFIC COAST MANAGER OF PERPETUAL ENCYCLOPEDIA CORPORATION AND SOURCE RESEARCH COUNCIL, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, that John W. Norwood, an examiner of this Commission, be and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Tuesday, November 10, 1936, at ten o'clock in the forenoon of that day, central standard time, in room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 3245—Filed, November 4, 1936; 12:23 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of October A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr.; Ewin L. Davis; W. A. Ayres; Robert E. Freer.

[Docket No. 2799]

IN THE MATTER OF THE RIESER COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, that Robert S. Hall, an-examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Monday, November 16, 1936, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 3250—Filed, November 4, 1936; 12:24 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of October A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr.; Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2436]

IN THE MATTER OF C. ROSENBLUM, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, that William C. Reeves, an examiner of this Commission, be and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding, begin on Friday, November 13, 1936, at ten o'clock in the forenoon of that day, eastern standard time, in Room 424, 815 Connecticut Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 3247—Filed, November 4, 1936; 12:23 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of October A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr.; Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2783]

IN THE MATTER OF SMOKED PRODUCTS COMPANY, A CORPORATION, AND THE SMOKED SALT COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, that Robert S. Hall, an examiner of this Commission be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, November 4, 1936, at ten o'clock in the forenoon of that day, eastern standard time, room 423, Ninth Street Annex, United States Post Office, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 3249—Filed, November 4, 1936; 12:24 p. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 2nd day of November A. D. 1936.

[No. MC 64707]

APPLICATION OF G. F. JARVIS AND E. D. HARNES FOR AUTHORITY TO OPERATE AS A COMMON OR CONTRACT CARRIER

In the Matter of the Application of G. F. Jarvis and E. D. Harness, Co-partners, Doing Business as Jarvis & Harness, of 209 Scammel Street, Marietta, Ohio, for a Certificate of Public Convenience and Necessity or Permit (Form BMC 1), Authorizing Operation as a Common or Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, From and Between Marietta, Ohio, and Surrounding Territories to Points Located in the States of Ohio, Pennsylvania, New York, Michigan, Indiana, West Virginia, Georgia, Florida, Kentucky, North Carolina, South Carolina, Virginia, Tennessee, New Jersey, and Illinois, Over Irregular Routes

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner A. J. Sullivan for hearing on the 16th day of November A. D. 1936, at 10 o'clock a. m. (standard time), at the Federal Building, Marietta, Ohio, and for the recommendation of an appropriate order thereon accompanied by the reasons therefor;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3237—Filed, November 4, 1936; 11:55 a. m.]

[Fourth Section Application No. 16591]

RATES TO UTAH

NOVEMBER 4, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: W. J. Sedgman, Agent.

Commodities involved: Class and commodity rates.

From: Points in New England and Trunk Line territories.

To: Points in Utah over rail-water-rail routes.

Grounds for relief: Competition with all-rail routes.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3238—Filed, November 4, 1936; 11:55 a. m.]

[Fourth Section Application No. 16592]

IRON AND STEEL ARTICLES TO MONROE AND WEST MONROE, LA.

NOVEMBER 4, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: F. A. Leland, Agent.

Commodities involved: Iron and steel articles, in carloads.

From: Chicago and Peoria, Ill., St. Louis, Mo., and Memphis, Tenn.

To: Monroe and West Monroe, La.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3239—Filed, November 4, 1936; 11:55 a. m.]

[Fourth Section Application No. 16593]

AUTOMOBILES FROM PENN JUNCTION, PA., TO THE SOUTH

NOVEMBER 4, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: W. S. Currett, Agent, pursuant to Fourth Section Order No. 9800.

Commodity involved: Automobiles, freight, in carloads.

From: Penn Junction, Pa.

To: Points in the South.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 3240—Filed, November 4, 1936; 11:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November A. D. 1936.

[File No. 30-42]

IN THE MATTER OF SOUTHERN UNITED GAS COMPANY

NOTICE OF HEARING AND ORDER DESIGNATING TRIAL EXAMINER

An application having been duly filed with this Commission, by Samuel W. White, as Trustee of Southern United Gas Company, a New Jersey corporation, in proceedings pending in the United States District Court for the Northern District of Illinois, Eastern Division, for an order exempting said Southern United Gas Company from the provisions of the Public Utility Holding Company Act of 1935, on the ground that pursuant to a Plan of Reorganization confirmed by said Court in proceedings under Section 77B of the Bankruptcy Act, as amended, and pursuant to order of said Court in said proceedings, said Trustee has delivered to Southern United Gas Company, a Delaware corporation, all of the property and assets of Southern United Gas Company.

It is ordered, that such matter be set down for hearing under Section 5 (d) and any other applicable Section of said Act on November 23, 1936, at 10 o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 17, 1936.

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 3254—Filed, November 4, 1936; 12:44 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of October A. D. 1936.

[File No. 2-2549]

IN THE MATTER OF REGISTRATION STATEMENT OF WASHINGTON
NATIONAL CEMETERY CORPORATION

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D)
OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING
OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Washington National Cemetery Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

It is ordered, that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on November 12, 1936, at 2 o'clock in the afternoon, in Room 1103, Securities and Exchange Commis-

sion Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as the officer hereinafter designated may determine; and

It is further ordered, that John H. Small, an officer of the Commission, be, and he hereby is, designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 3252—Filed, November 4, 1936; 12:44 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST
IN THE EXCHANGE DRILLING-MILLS FARM, FILED ON OCTOBER
9, 1936, BY ANDREW J. BARRETT, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on November 2, 1936, be effective as of November 2, 1936; and

It is further ordered, that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 3255—Filed, November 4, 1936; 12:44 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST
IN THE OHIO-RANKIN FARM, FILED ON OCTOBER 19, 1936, BY
HARRY M. CROWE, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on November 2, 1936, be effective as of November 2, 1936; and

It is further ordered, that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, here-

*1 F. R. 1896.

*1 F. R. 1957.

tofore entered in this proceeding, be, and the same hereby are, revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3256—Filed, November 4, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-SUNRISE FARM, FILED ON OCTOBER 20, 1936, BY R. E. PITTS, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding:¹

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on November 2, 1936, be effective as of November 2, 1936; and

It is further ordered, that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3257—Filed, November 4, 1936; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE BILGRAD-MATTIE FORNEY FARM, FILED ON OCTOBER 27, 1936, BY BILGRAD OIL COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the information contained in Division II of the said offering sheet is given as of a date more than 110 days prior to the date of its filing;
2. In that from the plat, furnished as an Exhibit, the required date and legend are omitted;
3. In that from the report of Byron B. Norris, furnished as an Exhibit in lieu of the information required by Items 7, 8, and 9 of Division II, the information as to the depths of possibly productive horizons is omitted as to the Santa Margarita and Temblor formations;
4. In that from the said report of Byron B. Norris the information required by Item 8 of Division II as to possibly productive horizons as shown by the New Hampshire and West State wells, which appear from the plat furnished as an Exhibit to offset the tract in question to the north and east respectively, is omitted;

¹ 1 F. R. 1964.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 3rd day of December 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 17th day of November 1936 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3253—Filed, November 4, 1936; 12:44 p. m.]

EXECUTIVE ORDER

REGULATIONS GOVERNING THE PREPARATION, PRESENTATION, FILING, AND DISTRIBUTION OF EXECUTIVE ORDERS AND PROCLAMATIONS

By virtue of and pursuant to the authority vested in me by the Federal Register Act, approved July 26, 1935 (49 Stat. 500), and as President of the United States, I hereby prescribe the following regulations governing the preparation, presentation, filing, and distribution of Executive orders and proclamations:

1. Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) A suitable title for the order or proclamation shall be provided.

(b) The authority under which the order or proclamation is promulgated shall be cited in the body thereof.

(c) Punctuation, capitalization, orthography, and other matters of style shall conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the most recent official decisions made pursuant to Executive Orders No. 27-A, of September 4, 1890, No. 399, of January 23, 1906, and No. 6680, of April 17, 1934.

(e) Descriptions of tracts of lands shall conform, so far as practicable, with the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations, published by the Federal Board of Surveys and Maps.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 by 12½ inches, shall have a left-hand margin of approximately 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, or descriptions of land may be single-spaced.

2. The proposed Executive order or proclamation shall first be submitted to the Director of the Bureau of the Budget. If the Director of the Bureau of the Budget approves it, he shall transmit it to the Attorney General for his considera-

tion as to both form and legality. If the Attorney General approves it, he shall transmit it to the Director of the Division of the Federal Register, the National Archives. If it conforms to the requirements of paragraph 1 hereof, the Director of the Division of the Federal Register shall transmit it and three copies thereof to the President. If it is disapproved by the Director of the Bureau of the Budget or the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by the statement of the reasons for such disapproval.

3. If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Division of the Federal Register for appropriate action in conformity with the provisions of the Federal Register Act: *Provided, however,* That the seal of the United States shall be affixed to the originals of all proclamations prior to such forwarding. The Division of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations the following notation, to be signed by the Director or by some person authorized by him: "Certified to be a true copy of the original." The Division of the Federal Register shall number and shall supervise the promulgation, publication, and distribution of all Executive orders and proclamations.

4. The Division of the Federal Register shall cause a limited number of copies of the Executive orders and proclamations not required or authorized to be filed and published under the provisions of the Federal Register Act to be made available in slip form to the appropriate agencies of the Government.

5. The Division of the Federal Register shall file in the National Archives the originals of all Executive orders and proclamations.

6. The signed originals and copies of all Executive orders and proclamations heretofore promulgated and now in the custody of the Department of State shall be transferred to the National Archives.

7. Nothing in this order shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

8. This order shall become effective on March 12, 1936, and shall thereupon supersede Executive Order No. 6247, of August 10, 1933.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

February 18, 1936.

[No. 7298]